

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)
41145-1001

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,916,242, granted June 29, 1999, and for which a

reissue patent is sought on the invention entitled Apparatus for Rapid Cooling of the Brain and Method of Performing Same
the specification of which

☒ is attached hereto.

☐ was filed on _____ as reissue application number _____ / _____
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

At least one error in the claims appears in claims 4 and 5 of U.S. Patent No. 5,916,242 as issued, wherein the limitations of claim 5 appear in the claim from which it depends, being claim 4, such that claim 5 is wholly inoperative or invalid. Specifically, the limitations of step a) and of step b) of claim 5 are identical to the limitations of step b) and of step c) of claim 4, respectively. Accordingly, claim 5 of U.S. Patent No. 5,916,242 as issued is inoperative or invalid.

At least one error in the claims further appears in claim 4, wherein the limitations of claim 5 incorporated therein are not required for patentability, such that Applicant has claimed less than patentee had the right to claim in the patent. Specifically, the limitation of claim 4, step b) relating to an "endotracheal tube" is not a required limitation for a patentable method of inducing hypothermia in a patient's brain.

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TYPE JC
JUN 27 2001
PT & TRADEMARK

REISSUE PATENT APPLICATION

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as Express Mail "Post Office to Address" service, having mailing label number EL847395679US in an envelope addressed to: Box Reissue, Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

Stacy E. Jenkins
Stacy E. Jenkins, Paralegal

6/27/01
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GEORGE R. SCHWARTZ

Serial No.: To Be Assigned

Filed:

Patent No.: 5,916,242

Issued: June 29, 1999

For: APPARATUS FOR RAPID COOLING OF
THE BRAIN AND METHOD OF
PERFORMING SAME

Examiner: Unknown

Group Art Unit: 1911

POWER OF ATTORNEY

BOX REISSUE
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In the matter of the above-entitled Reissue Patent Application, I hereby appoint Stephen A. Slusher, Registration No. 43,924, as my attorney with full power of substitution, association and revocation, to prosecute said application and to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

It is requested that all correspondence regarding this application be directed to:

Stephen A. Slusher, Esq.
PEACOCK, MYERS & ADAMS, P.C.
P. O. Box 26927
Albuquerque, New Mexico 87125-6927



and all telephone calls to (505) 998-6130, facsimile (505) 243-2542.

Date: 21 June, 2001

By:

George R. Schwartz
GEORGE R. SCHWARTZ, Applicant

Practitioner's Docket No. 41145-1001**PATENT**

REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER
(37 C.F.R. § 1.178)

To the Assistant Commissioner for Patents:

1. The undersigned applicant of the accompanying reissue application for the reissue of letters patent for the improvement in Apparatus for Rapid Cooling of the Brain and Patent number 5,916,242 granted to him/her on 06/29/99, of which Method of

☒ he/she is now sole owner,

Performing
Same

☐

is now sole owner by assignment, and on whose behalf and with whose assent the accompanying application is made,

☐ The "ASSENT BY THE ASSIGNEE" to this reissue application is attached.

Date: 21 June 2001Signature(s) George R. SchwartzGEORGE R. SCHWARTZ

(type or print name(s))

CERTIFICATION UNDER 37 C.F.R. § 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date June 27, 2001, in an envelope as "Express Mail Post Office to Addressee," service under 37 C.F.R. § 1.10, Mailing Label Number EL 847 395 679 US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Stacy E. Jenkins

(type or print name of person mailing paper)

Stacy E. Jenkins

Signature of person mailing paper

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Reissue Application by the Inventor, Offer to Surrender (37 C.F.R. § 1.178)—Assent of Assignee
 [17-2]—page 1 of 2)

09895623-052704

ASSENT OF ASSIGNEE TO REISSUE

The undersigned, assignee of the entire interest in the above-mentioned letters patent, hereby assents to the accompanying application.

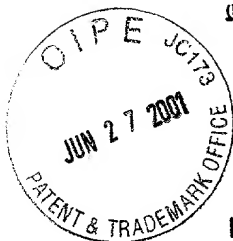
STATEMENT BY ASSIGNEE

- ☐ Attached is a "STATEMENT UNDER 37 C.F.R. 3.73(b)," establishing the right of the assignee to take action in this reissue.

Date: _____

Signature of assignee;
*(type or print name of signatory and title if signing
on behalf of an entity)*

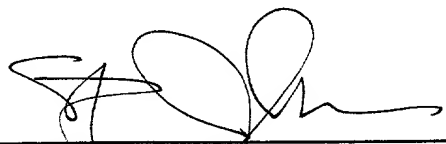
(Reissue Application by the Inventor, Offer to Surrender (37 C.F.R. § 1.178)—Assent of Assignee
[17-2]—page 2 of 2)

Practitioner's Docket No. 41145-1001**PATENT****REQUEST FOR TRANSFER OF DRAWINGS FROM ORIGINAL PATENT
TO REISSUE APPLICATION**

Please transfer the drawings from original patent, 5,916,242, filed on
March 30, 1999, for the invention entitled Apparatus for Rapid Cooling of the
Brain and Method of Performing Same

to the reissue application, the specification of which:

- ☐ is attached hereto.
☐ was filed on _____, as reissue application num-
ber /



Signature of practitionerDate: 6/27/01Stephen A. Slusher
(type or print name of practitioner)Reg. No.: 43,924P.O. Box 26927

P.O. Address

Tel. No. 505-998-6130Albuquerque, NM 87125-6927Customer No.: 005179

U.S. PATENT & TRADEMARK OFFICE
JUN 27 2001

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REISSUE APPLICATION: CONSENT OF ASSIGNEE;
STATEMENT OF NON-ASSIGNMENT**

Docket Number (Optional)
41145-1001

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s) GEORGE R. SCHWARTZ

Patent Number 5,916,242

Date Patent Issued June 29, 1999

Title of Invention Apparatus for Rapid Cooling of the Brain and Method of

1. ☐ Performing Same
Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)
2. ☒ Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.

One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".

The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.

The assignee(s) owning an undivided interest in said original patent is/are _____,
and the assignee(s) consents to the accompanying application for reissue.

Name of assignee/inventor (if not assigned)

GEORGE R. SCHWARTZ

Signature

George R. Schwartz

Date

21 June 2001

Typed or printed name and title of person signing for assignee (if assigned)

6/27/09
Date

Attorney for Applicant
PEACOCK, MYERS & ADAMS, P.C.
P.O. Box 26927
Albuquerque, New Mexico 87125-6927